

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SLEIMAN SLEIMAN and APACHE MUSIC
IVS,

Plaintiffs,

MEMORANDUM & ORDER

19-CV-2298 (PKC) (RML)

- against -

DANIEL HERNANDEZ a/k/a TEKASHI69
a/k/a 6IX9INE, TEKASHI69 PUBLISHING,
INC., and S.C.U.M GANG INC.,

Defendants.

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PAMELA K. CHEN, United States District Judge:

Plaintiffs Sleiman Sleiman and Apache Music IVS brought this action on April 18, 2019, alleging claims related to Plaintiffs' rights in copyright to the song entitled "Red Bandna [sic] / Black Hoodie." On December 30, 2019, Plaintiffs moved for default judgment against Defendants Daniel Hernandez a/k/a/ Tekashi69 a/k/a 6ix9ine ("Hernandez"), Tekashi69 Publishing, Inc., and S.C.U.M Gang Inc. This motion was referred to the Honorable Robert M. Levy, United States Magistrate Judge, for a Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b) and Local Rule 72.1(d). Thereafter, on January 16, 2020, Judge Levy directed the U.S. Marshals Service to personally serve Defendant Hernandez, who at the time was in the custody of the U.S. Bureau of Prisons. On March 19, 2020, Defendants Hernandez and Takeshi69 Publishing, Inc. filed an answer to Plaintiffs' complaint.

On April 13, 2020, Judge Levy recommended that Plaintiffs' motion for default judgment be denied as moot with respect to Defendants Hernandez and Tekashi69 Publishing, Inc., and granted with respect to Defendant S.C.U.M Gang Inc., with Plaintiffs being awarded the

declaratory relief they request concerning that Defendant. (R&R, Dkt. 47, at 1, 3.) The R&R notified Defendants of their right to file written objections to the R&R, pursuant to 28 U.S.C. § 636(b)(1)(C) and Federal Rule of Civil Procedure 72(b). (*Id.* at 3.) A copy of the R&R was served on Defendant S.C.U.M Gang Inc. on April 14, 2020. (*See* Affidavit of Service, Dkt. 48.)¹

A district court reviewing a magistrate judge's R&R "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no party objects to the magistrate judge's recommendation, the district court "need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (citation omitted). The statutory period for filing objections has expired, and no objections to Judge Levy's R&R have been filed.

The Court has reviewed both the record and Judge Levy's well-reasoned R&R. Finding no clear error in Judge Levy's decision, the Court adopts the R&R in its entirety, denies as moot Plaintiffs' motion for default judgment as to Defendants Hernandez and Tekashi69 Publishing, Inc., and grants the motion as to Defendant S.C.U.M Gang Inc. The Clerk of Court is respectfully directed to enter judgment accordingly.

SO ORDERED.

/s/ Pamela K. Chen

Pamela K. Chen
United States District Judge

Dated: May 4, 2020
Brooklyn, New York

¹ The Court deems Defendants Hernandez and Tekashi69 Publishing, Inc. as having been served with the R&R via the CM/ECF docketing system.